



Zambia

Country Reports on Human Rights Practices - [2000](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 23, 2001

Zambia is a republic governed by a president and a unicameral national assembly. After two decades of one-party rule, free and fair multiparty elections in November 1991 resulted in the victory of the Movement for Multi-Party Democracy (MMD) and the election of President Frederick J.T. Chiluba, a former trade unionist. In November 1996 elections, President Chiluba was reelected, and his party won 131 of 150 seats in the National Assembly. Constitutional amendments enacted in May 1996 disqualified the former President, Kenneth Kaunda, the main opposition leader, from seeking the presidency, prompting his United National Independence Party (UNIP) to boycott the elections. The MMD's use of government resources, including the state-owned media, put the fairness of the elections into question, although, despite some voting irregularities, there was no evidence of substantial or widespread vote rigging or vote counting fraud. The Constitution mandates an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system is hampered by lack of resources and inefficiency.

The police, divided into regular and paramilitary units operating under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. Police action was politicized in the delivery of authorizations for public gatherings. The Zambia Intelligence Security Service, under the Office of the President, is responsible for intelligence and internal security. Police continued to commit numerous, and at times serious, human rights abuses.

The Government continued its free market economic reform program including privatization of the large copper parastatal. However, negative economic performance, including stagnation and increasing inflation continued. Balance of payments support by foreign donors has resumed as a result of greater government attention to governance issues and the privatization of the mines. Approximately 80 percent of all citizens live in extreme poverty.

The Government's human rights record was generally poor; although the Government took steps to address some human rights problems, serious abuses continued in several areas. Citizens' right to change their government was restricted in the 1996 national elections, the last time national elections were held. Police committed an extrajudicial killing. Police officers routinely beat and otherwise abused criminal suspects and detainees. The lack of professionalism, investigatory skill, and discipline in the police force remain serious problems, and officers who commit such abuses do so with impunity. Prison conditions are harsh and life threatening. A government commission of inquiry, established in 1998 to investigate the alleged torture during detention of suspects in a 1997 coup attempt, completed its work in June and submitted its report to President Chiluba; however, the results of the investigation were not released to the public by year's end. Arbitrary arrests, prolonged detention, and long delays in trials remain problems. Police infringed on citizens' privacy rights. The Government's record on press freedom was mixed. The Government infringed on freedom of the press and continued to control two of the country's three daily newspapers. The Government restricted freedom of assembly and association and in a few instances limited freedom of movement. Human rights and civic organizations and political parties continued to complain of government harassment. Violence against women remained widespread. Women continued to experience discrimination in both law and fact, including the denial of widows' inheritance rights. Child abuse is a problem. Discrimination against the disabled is a problem. Child labor is a problem in rural subsistence occupations and some urban occupations. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings by government officials during the year; however, police committed an extrajudicial killing. In November, Kelvin Mushabati and Geoffrey Michelo died of suffocation after a police officer threw a tear gas canister into their prison cell. The police officer who was responsible for the killing was charged with murder; he remained in detention pending a trial at year's end.

The conflict in Angola periodically led to armed attacks within the country's territory, which resulted in civilian deaths; at least one of these armed attacks was perpetrated by Angolan government soldiers. On April 25, Angolan government soldiers reportedly killed two civilians during a confrontation with Zambian troops inside Zambian territory.

A large number of prison inmates died due to illness and harsh conditions (see Section 1.c.).

On September 8, a High Court judge sentenced a Mazabuka police officer to three years in prison with hard labor and fined two other officers for the 1999 death of Bernard Chinkuli in police custody.

In March 1999, Khondwani Musukwa died in police custody, apparently as a result of torture. No action was taken against the officers responsible for his death by year's end. In July 1999, Sailas Mabvuto Lungu reportedly was beaten to death by a police constable who suspected him of driving a stolen vehicle. The officer was in detention and awaiting trial at year's end. In August 1999, a pregnant woman died in police custody, reportedly as a result of police abuse. No action was taken against the officers responsible for her death by year's end.

In May 1998, seven police officers of Mindolo police station in Kitwe were arrested in connection with the death in custody of Steward Mwantende. The police officers were arrested, tried, and in April were acquitted.

In August an official inquiry into the 1998 death in detention of Bertha Mungazila was opened. On September 7, the inquiry was completed; a coroner determined that Mungazila died as a result of torture and called on the Inspector General of Police to arrest the officers on duty at the time of her arrest. On September 12, a docket against the three officers was opened, and the three were arraigned on manslaughter charges within 24 hours; the trial began in October and was ongoing at year's end.

On November 3, 1999, four gunmen shot and killed Wezi Kaunda, the son of former President Kenneth Kaunda, during an apparent car-jacking in Lusaka. The Government permitted forensic specialists and a team of advisors from Scotland Yard to participate in an investigation in response to a request from the Kaunda family. Two suspects were arrested. During their trial, one of the suspects claimed that the MMD was responsible for the killing; however, a letter reportedly written by the suspect alleged that several UNIP officials were responsible. The trial was ongoing at year's end.

In August three civilians reportedly were killed by Congolese rebels who had crossed into the country to steal food.

b. Disappearance

There were no reports of politically motivated disappearances. However, there were reports that UNITA rebels abducted persons, particularly young persons, for forced labor in Angola (see Sections 6.c. and 6.f.)

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture; however, police regularly used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. In most instances, detaining officers beat suspects and generally were not disciplined or arrested for such acts.

In January police arrested Shadreck Selemani on suspicion of involvement in the theft of roofing materials. Selemani was held without charge for 2 days, during which time police beat him repeatedly.

In April Hendrix Mbumwai was held without charge by officers at the Los Angeles police station for 6 days, during which time police beat him.

On August 30, police were deployed to the University of Zambia in response to demonstrations on the previous day that resulted in injuries and damage to private property. Police severely beat a number of students and forced them to roll in mud and sewer water and to jump around. At least 13 students were injured; 11 required medical treatment for their injuries. Although a local non-governmental organization (NGO) alleged that police raped five female students during the deployment, no female students claimed sexual abuse by police in the incident. Although only a small portion of the student population participated in the August 29 demonstrations, the police actions were directed against the entire student body. No action was taken against the officers responsible for the abuses by year's end.

In November two detainees died of suffocation when a police officer threw a tear gas canister into their cell (see Section 1.a.).

In September 1999, Dave Wanjeke, a retired soldier, was held without charge and tortured in police custody. In February a judge of the High Court criticized the Government for abusing Wanjeke's rights; however, there was no further action taken on this case by year's end.

In September 1999, officers of the Emmasdale police station beat Benson Mwale repeatedly on the buttocks; subsequently, he required medical attention for severe lacerations. In September 1999, a file on the incident was opened by the Permanent Human Rights Commission (PHRC). A police spokesman stated that it would punish all officers involved in the incident. Later in September 1999, a "docket of complaint against police" was opened to investigate the matter. This docket allows the public to raise complaints against a police officer so that legal procedures can be initiated. The investigation was ongoing at year's end.

There was no further action on the case of Cedrick Phiri, who was beaten by police while he was detained overnight in June 1999.

There was no further action on the case of the young man who was detained and beaten in police custody at the Woodlands Police Station in Lusaka in March 1999.

In response to pressure from the PHRC, foreign governments, NGO's, and other human rights organizations, in May 1998, the Government agreed to initiate an independent inquiry into the torture claims of seven persons detained during the October 1997 coup attempt. (Early in 1998, one of the alleged torturers had been promoted.) In August 1998, the Government established a commission of inquiry made up of treason trial judge Japhet Banda and Lusaka principal resident magistrate Gertrude Chawatama. The torture inquiry began after the treason trial concluded on September 17, 1999. The commission completed its work and submitted a report to President Chiluba on June 21. By year's end the report had not been publicly released, and the President had not responded to the report.

In 1999 the Government promised to institute measures to monitor and reform police operations to ensure that civil liberties are protected. It further directed the police, prisons, and immigration departments to intensify human rights training among their officers, which has been part of their basic training since 1997. Although the training of new recruits continued during the year, there was greater training within the police force. The Government took no action on its statements in 1998 that it would amend the Police Act to provide for the establishment of a police authority to which members of the public could channel complaints pertaining to police harassment and abuse.

The lawsuit filed in 1999 by Dean Mung'omba claiming torture during detention in 1997 was ongoing at year's end.

Police corruption is also a problem. There were a handful of unconfirmed reports that police would release prisoners in exchange for bribes of between \$65 and \$95 (200,000 to 300,000 kwacha). Citizens in private debt disputes often are detained by police in exchange for a portion of the payment owed (see Section 1.d.). Police sometimes committed extortion at roadblocks (see Section 2.d.) or required document processing "fees" or gas money in order to commence investigations. In July the Inspector General of Police instructed police throughout the country to reduce roadblocks by half in an effort to reduce the opportunity for corruption, and there was a reduction in the number of roadblocks by year's end. Police action was politicized in the delivery of authorizations for public meetings (see Section 2.b.).

The police investigate instances of police use of excessive force and have disciplined officers found to have committed human rights abuses. Such investigations generally are prolonged, and outcomes are not readily apparent. Middle ranking and senior officers are enrolled in human rights training seminars at the police academy. A number of police officers are the subject of internal investigations and prosecutions. Authorities arrested some police officers on such criminal charges as murder and robbery. For example, in November one police officer was arrested and charged with killing two persons (see Section 1.a.). Senior government

officials acknowledge the problem of police abuse and have requested foreign donor assistance in the form of training for the police. In May the Government announced its intention to create a national forensic laboratory to provide the police with resources for professional investigations. In 1999 the High Court issued a decision banning corporal punishment in the country. The court system undertook efforts to ensure that this ban was upheld during the year. In April the Chief Administrator of the High Court publicly reminded magistrates of their obligation to uphold the ban on corporal punishment and held a meeting with prison officials to reinforce the ban. During the year, one magistrate attempted to sentence a defendant to corporal punishment, but the chief administrator of the High Court prevented the implementation of the sentence.

Groups of National Union for the Total Independence of Angola (UNITA) deserters have entered the country and seized food and goods by force from villages. On at least two occasions, they have forced young men and women to accompany them back to Angola (see Section 6.f.).

Prison conditions are harsh and life-threatening. According to official statistics, prisons designed to hold 6,000 prisoners held over 12,000. This severe overcrowding, combined with poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of dysentery and other diseases, including tuberculosis. In a report submitted to Parliament in 1996, the Commissioner of Prisons said that 975 prisoners had died in prison between January 1991 and December 1995 due to illness and harsh conditions. The death rate of prison inmates remained about the same during the year. The Commissioner of Prisons has submitted no further such reports since 1996. In March 1999, the Commissioner of Prisons attributed the serious overcrowding in prisons to the slow pace at which the courts dispose of cases. The commissioner noted that some cases have been pending since 1991.

In March 1999, the Magistrates and Judges' Association of Zambia expressed its intention to undertake efforts to release all eligible detainees on bail in order to reduce prison congestion. According to the Association, Kamwala Remand Prison in Lusaka contained 636 inmates, although it had been designed to hold only 200.

In July 1999, the PHRC announced that it would employ prison inspectors to ensure that inmates are kept in habitable environments. The PHRC submitted a request to the Ministry of Finance for funds to support the creation of prison inspector positions, but did not receive funding by year's end. The Government generally permits prison visits by both domestic and international monitors and by resident foreign diplomats. Provincial human rights committees periodically inspect prison conditions. A number of foreign diplomats conducted prison visits during the year; however, there were no visits by international monitors at year's end.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. Criminal suspects often are arrested on the basis of flimsy evidence or uncorroborated accusations. Unlike in previous years, there were no reports that family members or associates of criminal suspects were detained, interrogated, and physically abused by the authorities in attempts to identify or locate suspects during the year. In criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours. Attorneys and family members are allowed access to pretrial detainees. In practice the authorities hold most detainees for more than 1 month from commission of an offense to first appearance before a magistrate. In many cases, an additional period of 6 months elapses before a magistrate commits the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court takes months, or in some cases as long as a year. Once a case reaches the High Court for trial, court proceedings last an average of 6 months. Part of the reason for this delay is a shortage in the number of professional magistrates: out of 72 potential positions, only 22 are filled.

Pretrial detention often is prolonged. Approximately 2,000 of 12,000 detainees were awaiting trial on criminal charges in 1999. Approximately 1,288 of 2,251 detainees were awaiting trial in the Lusaka region by year's end. In some cases defendants have been awaiting trial for as long as 4 years. There was some progress in holding trials; in past years, some defendants had waited as long as 10 years for their trials. These long delays were a result of inadequate resources, inefficiency, lack of trained personnel, and broad rules of procedure that give wide latitude to prosecutors and defense attorneys to request adjournments. The High Court Commissioner can release detainees if police fail to bring the case to trial, although that did not occur in any case during the year.

Although there is a functioning bail system, overcrowded prisons reflect in part the large number of detainees charged with serious offenses for which bail is not granted. These include treason, murder, aggravated robbery, and violations of narcotics laws. There were no cases of constitutional bail. Indigent detainees and defendants rarely have the means to post bail. The Government's legal aid office is responsible for providing legal aid representation for indigent detainees and defendants in criminal or civil cases. In practice few receive assistance. The office had 9 attorneys and a budget of \$183,000 (576,000,000 kwacha) during the year to cover the entire country.

Police stations frequently become "debt collection centers," where police officers acting upon unofficial complaints detain debtors without charge, indefinitely, until they pay the complainants. In return the police receive a percentage of the payments (see Section 1.c.). A police constable was convicted and sentenced to 3 years' imprisonment with hard labor for abuse of office in one such case. The conviction, handed down in January, was in response to events that occurred in 1996.

A prominent elections NGO reported that four opposition cadres were arrested in January for shouting anti-MMD slogans during an election campaign. The arrests reportedly were ordered by a deputy minister. The four were held for a few hours and charged with conduct likely to cause a breach of the peace. The case was still pending at year's end.

In January presidential candidate Anderson Mazoka was arrested and detained on charges of holding an illegal meeting after he obtained a permit to convene an informal dinner (see Section 2.b.).

On July 15, a Member of Parliament (M.P.) was arrested for unlawful assembly relating to a meeting held with constituents in his home a month earlier; he was released without charge (see Section 2.b.).

On August 30, police detained approximately 300 students at a stadium following a demonstration the previous day (see Section 1.c.). The students were released after 24 hours in detention.

In February Alfred Zulu, a prominent human rights activist was detained and charged with financial fraud. Some observers alleged that Zulu was targeted because of his human rights activities; however, there was no evidence to support these allegations (see Section 4).

May 1999, Donald Phiri was taken into police custody during an unauthorized police search for weapons at his father's home. The search allegedly was intended to locate arms. Phiri's father complained that he was unable to determine his son's whereabouts for several days after he was taken into custody. Phiri was charged with murder in September 1999; the case was ongoing at year's end.

In August 1999, Imasiku Mutangelwa, the leader of a small organization known as the Barotse Patriotic Front (BPF), was sought by police for questioning after he made statements supporting a separatist rebellion in Namibia. Later the same month, Mutangelwa sought asylum in the residence of the South African High Commissioner, but his request was denied. Mutangelwa subsequently was arrested and charged with belonging to an unlawful society. The case against him was referred by the Magistrate's Court to the High Court, but had not yet been heard by year's end.

The authorities held in detention pending deportation approximately 300 illegal immigrants, principally from neighboring countries. Because the immigration authorities lack funds for deportation, illegal immigrants sometimes are kept in prison for extended periods, sometimes for more than 5 years. There were 199 illegal immigrants being held in detention in Lusaka by year's end.

The 1996 case involving the indefinite incarceration of three newspaper reporters on charges of contempt of the House remains pending. Although the High Court quashed the sentences, the Government has appealed the case, seeking to reinstate the detention of the reporters. The appeal still is pending, although two of the three reporters have died (See Section 2.a.).

The Government does not use exile for political purposes; however, it has used deportation and the threat of deportation for political purposes against persons whose claims to citizenship it has refused to recognize. In January the Government deported Majid Ticklay after he wrote a letter that was published in the Post publicly urging the Asian community to unite behind one political party (see Section 3).

During the year, a number of citizens remained in self-imposed political exile in foreign countries, including: Liberal Progressive Front President Dr. Roger Chongwe, in Australia; Zambia Democratic Congress General Secretary Azwell Banda, in South Africa; former editor of the defunct newspaper, Confidential, Reverend Steward Mwila, in South Africa; and former President Kaunda's daughter, Catherine Mwanza, in South Africa.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system is hampered by lack of resources and inefficiency. The President nominates and the National Assembly confirms the Chief Justice and other members of the Supreme Court.

The Supreme Court has appellate jurisdiction for all legal and constitutional disputes. The High Court, which holds regular sessions in all nine provincial capitals, has authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts have original jurisdiction in some criminal and civil cases, while local, or customary, courts handle most civil and petty criminal cases in rural areas.

Local courts employ the principles of customary law, which vary widely throughout the country. Lawyers are barred from participating, and there are few formal rules of procedure. Presiding judges, who are usually prominent local citizens, have great power to invoke customary law, render judgments regarding marriages, divorces, inheritances, other civil proceedings, and rule on minor criminal matters. Judgments often are not in accordance with the Penal Code. For example, they tend to discriminate against women in matters of inheritance (see Section 5).

Trials in magistrate courts are public, and defendants have the opportunity to confront their accusers and present witnesses. However, many defendants are too poor to retain a lawyer, and the poor state of the Government's legal aid department means that many citizens entitled to legal aid find that it is unavailable. Courts are congested and there are long delays in trials while the accused are in custody. The Magistrates and Judges' Association made an effort to expedite the process of court appearances during the year by setting up a fast-track court that could quickly hear minor, uncomplicated cases.

Courts continued to act independently and at times made statements critical of the State. In February a judge of the High Court criticized the Government for abusing the rights of retired soldier Dave Wanjeke. Wanjeke was held without charge and tortured in police custody in September 1999 (see Section 1.c.).

In August the National Assembly passed a bill that amends the State Proceedings Act. The act currently provides that once leave to apply for a judicial review has been granted, there is a stay on any decisions by State or public officers relating to the matter. The amendment would not allow the start of any judicial review process to act as a stay on the Government's decision. Opposition parties, NGO's, civil society, and some members of government have expressed concern that the amendment would remove citizens' legal recourse in the event of abuse by the Government. President Chiluba did not sign the bill, which lapsed at year's end.

Appeals in the cases of 59 military personnel detained during a 1997-98 state of emergency and later sentenced to death for involvement in an attempted coup were ongoing at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for respect for privacy and the inviolability of the home; however, the authorities did not always respect these rights in practice. The law requires a warrant before police may enter a home, unless a state of emergency is in place. Police routinely ignored this requirement and often arrested alleged criminals at their homes without first having obtained an arrest warrant. The Constitution grants the Drug Enforcement Commission and the Zambian Intelligence Security Service authority to wiretap telephones for probable cause. In 1996 the Inspector General of Police admitted in open court that he had ordered the illegal wiretaps of the telephones at the offices of the Post, an independent daily newspaper. The case still was pending at year's end. There were no confirmed reports of wiretaps during the year; however, the opposition alleged that the Government wiretapped their telephones.

In March Oswald Mutapa, a retired Assistant Commissioner of Police, was evicted from his house in March on orders from the Inspector General of Police. The eviction took place in spite of a court order barring eviction until a legal dispute between Mutapa and the Government was resolved. In June Mutapa won the court case and returned to his house.

Unlike in the previous year, there were no reports that police detained and abused relatives and associates of suspects during the year.

In May 1999, police raided the home of the president of the World Baptist Evangelical Association, Reverend Bwanali Phiri, without a warrant (see Section 1.d.). The police took Phiri's son and two tenants into custody. Phiri's tenants were released, but Phiri was detained for 4 months without charge, then charged with murder. The case still is pending (see Section 1.d.).

Roundups of suspected illegal aliens in the home or workplace continued. According to the Government's Commissioner for Refugees, immigration officials are empowered under the law to conduct these roundups

without a warrant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the Constitution provides for freedom of expression and of the press, the Penal Code lists various prohibited activities that may be interpreted broadly to restrict these freedoms, and the Government infringed on press freedom. Overall, the Government's record on press freedom was mixed during the year. Over the past several years, in response to headlines and stories of alleged corrupt practices on the part of government officials, the Government, accused officials, and other individuals have brought numerous libel actions against the Post newspaper. There are currently more than 80 cases filed over the course of the last 5 years waiting to be adjudicated. The number of pending libel cases did not increase during the year, because the journalists involved in most of them have left the Post.

The law includes provisions for investigative tribunals to call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal may result in charges of contempt punishable by up to 6 months in jail. This has been criticized by the media as a clear infringement on press freedom and a means for parliamentarians to bypass the clogged court system in dealing with libel suits against the media.

In April a correspondent for the privately owned weekly newspaper Monitor received a series of anonymous, threatening telephone calls after he published a story that stated Intelligence Chief Xavier Chungu had been named in a U.N. report on UNITA sanctions violations.

There were reports of warnings by the Minister of Information against the media throughout the year. The press reported in February that the Minister warned of "drastic action" against the Zambia Independent Media Association (ZIMA) and the Inter-African Network for Human Rights and Development (AFRONET), and in May warned of action against radio stations labeled as "political" (see Section 4).

In August a Radio Phoenix reporter was detained and beaten by members of the Movement for Multi-Party Democracy (MMD) while investigating reports of extortion by MMD cadres at the central market. Police conducted an investigation and arrested those suspected of assaulting the reporter. In response to pressure from MMD officials, the suspects were released in August, and the case was not resumed by year's end.

In September espionage charges against 12 members of the editorial staff of the Independent Post newspaper were dropped. The editor still was required to appear in court in connection with a 1999 story pointing out deficiencies in the country's military preparedness in relation to Angola; the High Court acquitted him on December 21 (see Section 1.e.).

A government appeal of a National Assembly case initiated against three journalists in 1996 remains pending (see Section 1.d.).

A number of privately owned newspapers question government actions and policies, and these circulate without government interference. For the last 4 years, the leading private daily, the Post, has had an Internet home page that has attracted over 15,000 readers per month. The government-controlled Times of Zambia and Zambia Daily Mail, two of the most widely circulated newspapers, also have home pages established in April 1996.

The Government owns the sole television station, the Zambia National Broadcasting Corporation (ZNBC). In addition to the government-controlled radio station, there are three church-related stations and one private commercial station. In February a UNESCO-funded community radio station began operations in the town of Mazabuka.

The Government exercised considerable influence over the government-owned media, which continued to follow the government line on important issues. On January 24, a radio talk show on the privately owned Radio Phoenix was cancelled under government pressure. The talk show resumed in February, with no reports of interference.

The only commercial radio station rebroadcasts Voice of America (VOA), British Broadcasting Corporation (BBC), and South African Broadcasting Corporation items. Multichoice, based in South Africa, provides

satellite and analog wireless subscribers with television services. These services provide broadcasts of Cable News Network, BBC World Sky Television, and South African Broadcasting Corporation Africa News. They also provide three BBC, one Radio France International, and VOA radio news broadcasts. Neither of the services provides local news coverage. A second wireless service, CASAT, began operations in December 1997. In 1998 Trinity Broadcasting Network, a foreign-based church-related television network, began 24-hour transmission from a rented studio at the ZNBC complex.

Contrary to its 1991 campaign promises to privatize government-owned mass media, the Government has declined to privatize the state-owned and government-controlled Times of Zambia, the Zambia Daily Mail, and the ZNBC radio and television stations. Opposition political parties complain that government control of these media bodies effectively limits their access to such means of mass communication.

Academic freedom is respected. University professors are permitted to lecture freely, conduct research, and publish their work. Late in 1999, the Government passed the University Act, which gave greater power to the Minister of Education to supervise universities. An injunction against the act which was issued by the High Court in October was dissolved at the end of 1999, and the President signed the act into effect. Although the act gives the university council a mandate to address faculty concerns, the Minister of Education makes appointments to the council; some academics have criticized this provision.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Government restricted this right in practice. The law requires rally organizers to notify the police 7 days in advance of a rally. The police may advise the organizers that the time or venue is inopportune. In practice the police did not interfere with most peaceful rallies whose leaders followed the prior notification rule and that could be described as politically neutral or favorable to the Government or MMD; however, authorities sometimes denied permission to proceed with or cancelled rallies planned by the political opposition, particularly during by-election campaigns. For example, UNIP was issued a permit to carry out a demonstration in support of striking doctors in January. The permit later was cancelled by police. No reason was given for the cancellation.

The Public Order Act frequently was used to prevent activities by opposition political parties. In June the UPND was denied permission to hold rallies in three areas because a deputy minister would be touring those areas during the same period. The Government also denied the UPND a series of permits during the Sesheke by-election in July, again because several high-level government officials, including the President, would be in the area at the same time.

Government officials publicly warned of potential "drastic action" against two NGO's, AFRONET and the Zambia Independent Monitoring Team (ZIMT) after those two organizations criticized the Government's handling of the health sector and an ongoing doctors' strike (see Sections 4 and 6.a.). In January authorities arrested and detained a United Party for National Development (UPND) presidential candidate, Anderson Mazoka, on charges of holding an illegal meeting. Mazoka had obtained a permit to convene an informal dinner for 200 persons but police were instructed to arrest Mazoka when he addressed the attendees.

On July 15, the UPND M.P. for Mazabuka was arrested for unlawful assembly; the arrest related to a meeting held with constituents in his home a month earlier. The M.P. was subsequently released without charge.

On August 30, police were deployed to the University of Zambia one day after a student demonstration that resulted in injuries and property damage; police abused and detained students, including many who were not involved in the demonstration (see Section 1.c.).

The Constitution provides for freedom of association; however, at times the Government restricted this right. All organizations must apply formally for registration to the Registrar of Societies. In most cases, authorities routinely approved these applications. In 1999 the Government denied the application of a group of former servicemen who wanted to form an association. The Government argued that an organization for former servicemen already existed and did not permit the servicemen to register. There are currently 36 political parties and dozens of NGO's registered. The Government threatened to take action against those organizations that did not submit annual reports to the registrar of societies. In June 1999, the Ministry of Home Affairs deregistered more than 20 NGO's that did not comply with the reporting requirement. The NGO's that complied with the requirement, including those that frequently criticized the Government, were permitted to register.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. Although a 1996 amendment to the Constitution declared the country a Christian nation, the Government respects the right of all faiths to worship freely in practice. There are governmental controls that require the registration of religious groups. The Government approves all applications for registration from religious groups without discrimination. There were no reports that the Government rejected any religious groups that attempted to register or obtain licenses.

Unlike in previous years, there were no reports of complaints by the Muslim community of discrimination based on the Constitution's "Christian nation" provision during the year.

In December 1996, the Government established an office for religious affairs at the level of deputy minister in the President's Office at State House. The office is responsible for dealing with issues that pertain to religion and worship, and to the promotion of state-church understanding and interfaith dialog.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to move freely throughout the country, to reside in any part of the country, and to depart and return to the country without restriction; however, there were instances in which authorities limited freedom of movement. Police roadblocks to control criminal activity continued, and police sometimes extorted money and goods from motorists (see Section 1.c.). However, in July the Inspector General of Police instructed police throughout the country to reduce roadblocks by half to facilitate travel within the country and reduce opportunities for corruption. The number of roadblocks throughout the country was reduced during the year; however, police continued to extort money from motorists.

Resident doctors engaged in a strike over working conditions and the general state of health care in the country reportedly were barred from leaving the country in February. Some doctors subsequently were able to seek employment outside the country (see Section 6.a.).

The conflict in Angola resulted in large numbers of internally displaced persons (IDP's) in March, mainly consisting of inhabitants from the Chavuma District, which borders Angola; however, most of the IDP's returned to their residences within 2 months.

The law does not contain provisions for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government complies with the provisions of these documents. The U.N. High Commissioner for Refugees (UNHCR) estimated that there were approximately 250,000 refugees, mainly Angolans, in the country at year's end. On December 4, approximately 300 Zimbabwean and 3,000 Congolese soldiers entered the country to escape fighting in the Democratic Republic of the Congo (DRC). Most of the Congolese soldiers returned to the DRC; however, 117 refused to return to the DRC and were seeking asylum in the country at year's end. The Government cooperated with the UNHCR in processing applications for refugee status.

The Government provided first asylum to approximately 35,000 new refugees from Angola during the year, including former UNITA soldiers and their families. On December 1, the Government and the UNHCR began transferring approximately 265 Angolan former combatants and their families to the Eastern Province, which is farther from the Angolan border. In September approximately 3,000 refugees left the Mwange refugee camp for the DRC; however, the majority of them returned to Zambia by year's end. In November and December, approximately 25,000 Congolese refugees entered the country. The authorities held in detention pending deportation approximately 300 illegal immigrants, principally from neighboring countries. Because the immigration authorities lack funds for deportation, illegal immigrants sometimes are kept in prison for extended periods, sometimes for more than 5 years. In December the Government disarmed and repatriated more than 3,000 soldiers from the DRC who had entered the country. In December the International Criminal Tribunal for Rwanda (ICTR) requested that the Government provide access to the detained soldiers; however, the Government did not grant access to the ICTR before the majority of the refugees had returned to the DRC.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens voted in national multiparty elections in November 1996; however, constitutional amendments barred the best known opposition candidate, former president and UNIP leader, Kenneth Kaunda, and his deputy, senior chief Inyambo Yeta, from running for the presidency, thereby restricting the right of citizens to change their government. The amendments enacted in 1996 require both parents of presidential candidates to be

citizens by birth and disqualify tribal chiefs from running for the presidency unless they resign their chieftainship.

UNIP boycotted the 1996 elections and destroyed many party members' voter registration cards. Eleven political parties contested the presidential and National Assembly elections in 1996. The Government deregistered 14 opposition splinter parties for noncompliance with registration procedures. Approximately 50 percent of eligible voters registered. Of this total, almost 70 percent cast ballots. Although the MMD's use of government resources during campaigns, including the state-owned media, probably did not affect the final outcome, the elections' fairness nevertheless called into question. The Government's failure to implement a transparent voter registration process raised doubts among opposition parties about the Government's willingness to have an open electoral process. The next presidential election is scheduled for late 2001.

A series of parliamentary by-elections held during the year were viewed by local election observers as generally representative of the will of the electorate; however, there were some irregularities. Opposition parties won a number of these by-elections. However, during parliamentary by-election campaigns, the MMD frequently was accused of using government resources to support MMD candidates. For example, in July the MMD used a police vehicle to transport party members during a campaign.

Under the Constitution, the President wields broad authority. The National Assembly ratifies major appointments and theoretically has broad powers, but the overwhelming majority held by the MMD effectively precludes independent action by the legislature and limits its ability to provide a check on executive authority. In July the MMD expelled Minister of Environment and Natural Resources Ben Mwila for gross insubordination when he began campaigning for the presidency before the President himself had designated a successor. Mwila subsequently formed a new political party, the Republican Party. During the year, Parliament took steps to strengthen itself and to improve responsiveness to citizen concerns, although an initial attempt at a structured parliamentary reform program failed to garner adequate support from members of Parliament.

The number of women in politics and government is increasing but remains small, and women are underrepresented in government. In October the PHRC chairperson stated that less than 10 percent of women are involved in the political and decision-making process. There are 14 female members in the 150-seat Parliament; 2 of these are ministers, and 3 are deputy ministers. In August former ambassador Gwendoline Konie established a political party and announced her candidacy for president, making her the first woman to run for that office.

Minorities are underrepresented in government and politics. There are three ethnic Asians (one is a minister) and one mixed race (African-European) minister.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights and civic rights organizations generally operated without serious government hindrance; however, in previous years the ZIMT, ZIMA, AFRONET, and the Foundation for Electoral Process claimed that official harassment, including blocking their bank accounts, occurred. There were reports in February that the Minister of Information warned of "drastic action" against the ZIMA and AFRONET, accusing the organizations of being agents of foreign sponsors (see Section 2.a.). It also was reported in February that a senior member of the MMD had threatened AFRONET and the ZIMA, and the MMD chairperson for information and publicly warned that the Government would withdraw recognition of NGO's that it deemed "reckless and irresponsible."

In February Alfred Zulu, a prominent human rights activist, was detained and charged with financial fraud. Some observers alleged that Zulu was targeted because of his human rights activities; however, there was no evidence to support these allegations (see Section 1.d.).

The Government continued to be receptive to criticism from human rights and civic organizations in general, but on occasion, government officials criticized efforts by human rights monitors to have international balance of payments support conditioned on positive human rights developments in the country and accused monitors of trying to undermine Government activities.

Some police and immigration officers complained that the local NGO Legal Resources Foundation protects criminals because of its work defending accused persons.

Some domestic human rights organizations, including the Law Association of Zambia, Women for Change, the Catholic Commission for Justice and Peace, and the Zambia Civic Education Association have continued to press for a transparent democratic electoral system. Human rights, development and election NGO's monitored the by-elections throughout the year and organized civic education activities focused on improving voter participation and information.

The Government generally did not interfere with inquiries or visits by international human rights organizations. For example, in July Human Rights Watch visited the country to observe the meeting of a consultative group of international donors.

In May 1997, the Government established an autonomous Permanent Human Rights Commission, the PHRC. A Supreme Court justice chairs the Commission; other members are drawn from throughout society and include the former head of the Foundation for Democratic Processes and a University of Zambia lecturer on human rights. The Commission interceded on behalf of persons whose rights it believed were denied by the Government. The Commission oversees human rights committees in all provincial capitals. The Commission spoke out on behalf of other detainees and prisoners, and the Government responded by releasing seriously ill prisoners in 1997 and 1998 at the Commission's request. The PHRC requested but did not receive funding to hire prison inspectors; until it obtains funding, its provincial committees are conducting periodic prison inspections. The Government further responded to the Commission's recommendation by establishing in 1998 an inquiry to investigate torture claims by detainees. The inquiry was completed in June with a report submitted to President Chiluba; the report was not released publicly by year's end (see Section 1.c.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, tribe, sex, place of origin, marital status, political opinion, color, or creed. Constitutional amendments barring native-born citizens of partial or full foreign ancestry from the presidency appear to violate the prohibition on discrimination based on place of origin. These amendments also prohibit traditional chiefs, who are accorded authority and privileges as chiefs, from running for political office unless they resign their chieftainships. A legal challenge to these amendments in 1996 was unsuccessful.

Women

Violence against women remained a serious problem. Wife beating and rape were widespread. According to official statistics, over 4,700 rape cases were reported to the police between 1991 and 1998. Of these, approximately 30 percent resulted in conviction and 5 percent in acquittal. The remainder either were dismissed or remain unresolved. The courts normally sentence defendants convicted of rape to hard labor. Since many rape cases were not reported to the police, the actual number is considered to be much higher. Domestic assault is a criminal offense. Although the police established a Victim Support Unit (VSU) in 1997 to attend to the problem of domestic assault, in practice police often are reluctant to pursue reports of wife beating, preferring instead to broker a reconciliation. The Government and NGO's expressed continued concern about violence against women, and the media devoted considerable publicity to it during the year. The VSU handles problems of wife beating, mistreatment of widows by the deceased husband's relatives, and "property grabbing."

In two separate incidents in January and February, young women reportedly were abducted by UNITA soldiers for forced labor in Angola (see Sections 6.c. and 6.f.).

Both the Constitution and the law entitle women to equality with men in most areas; however, in practice, women are disadvantaged severely in formal employment and education compared with men. Married women who are employed often suffer from discriminatory conditions of service. Women have little independent access to credit facilities; in most cases, they remain dependent on their husbands who are required to co-sign for loans. As a result, few women own their own homes. However, some small financial institutions reportedly now allow women to sign independently for loans.

Customary law and practice also place women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legislative protections. Polygyny is permitted if the wife first agrees to it at the time of her wedding. Under the traditional customs prevalent in most ethnic groups, all rights to inherit property rest with the deceased man's family. The 1989 Intestate Succession Act was designed to provide women with a share of the joint estate. Under the act, the children of the deceased man equally share 50 percent; the widow receives 20 percent; the parents receive 20 percent; and other relatives receive 10 percent. A 1996 "reform" of the act places the widow's share at 20 percent, to be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to

other wives, mistresses, and concubines.

In practice, "property grabbing" by the relatives of the deceased man remains rampant, particularly when local customary courts have jurisdiction. These courts often use a different law, the Local Courts Act, to distribute inheritances without reference to the percentages mandated by the Intestate Succession Act. Ignorance of the law on the part of victims is also a problem. As a result, many widows receive little or nothing from the estate. The fines that the Intestate Succession Act mandates for property grabbing are extremely low. An M.P. participating in an April workshop on the Intestate Succession Act noted that the act has failed to address increased cases of property grabbing and therefore needs to be reviewed. In November the President strongly criticized the practice during a public ceremony.

In March a Lusaka magistrate's court convicted and remanded to custody the administrator of a deceased man's estate who evicted the decedent's widow and her baby 2 days after the decedent's burial.

Children

The Government seeks to improve the welfare of children, but scarce resources and ineffective implementation of social programs continue to affect the welfare of children adversely. The Ministry of Sport, Youth and Child Development, Ministry of Education, Ministry of Labor, and Ministry of Community Development and Social Services have responsibilities for improving child welfare. Education is neither compulsory nor free. The number of children enrolled in public schools at the primary levels reportedly has declined over the past few years. Lack of adequate educational facilities and scarcity of educational materials are problems. Some areas have established community schools that are free but have fewer resources than public schools and require contributions from parents. The number of girls and boys in primary school is approximately equal; however, fewer girls attend secondary school. Due to poverty, both rural and urban children often work in the informal sector to help families make ends meet (see Section 6.d.). The number of street children in Lusaka increased from 35,000 in 1991 to 90,000 in 1998, partly because of the growing number of parents who have died from AIDS. Approximately 75 percent of all households are caring for at least one orphan and, as a result, these children face greater risks of child abuse, sexual abuse, and child labor; 7 percent of households are headed by children due to the death of both parents. The Government instituted programs to increase public awareness of HIV/AIDS and was attempting to address the problem of child labor by establishing a child labor unit with awareness programs during the year. Child abuse was believed to be fairly common, but no statistics were available.

The Labor Ministry and the Ministry of Development are cooperating in the establishment of a child labor office to address the problem of street children; in May the Government established the Child Labor Working Group. There are laws that criminalize child prostitution, pornography, and sexual exploitation of children under the age of 21. Laws against child prostitution are not effectively enforced; however, cases of child pornography and sexual exploitation are generally effectively enforced.

People with Disabilities

Persons with disabilities face significant societal discrimination in employment and education. The Government has taken steps to ameliorate their hardships, including establishing a national trust fund to provide loans to the disabled to help them start businesses, but its efforts are limited by scarce resources. The Government has not legislated or otherwise mandated accessibility to public buildings and services for the disabled.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of citizens to form trade unions, and approximately 60 percent of the 300,000 formal sector workers are unionized. Eighteen of the country's 19 large national unions, organized by industry or profession, are affiliated with the Zambia Congress of Trade Unions (ZCTU). The ZCTU is operated democratically and, like its constituent unions, is independent of any political party and the Government. The Mineworker's Union of Zambia and four other unions broke away from the ZCTU and established a rival umbrella organization in 1994. Four of them, including the Mineworkers' Union of Zambia, since have rejoined the ZCTU, leaving only the Zambia Union of Financial and Allied Workers and the Primary Teachers Union of Zambia outside the Congress.

The 1993 Industrial and Labor Relations Act (ILRA) reestablished the "one union, one industry" principle. A

1997 amendment to the act allows for multiplicity of trade unions as well as federations of trade unions. The Bankers Union of Zambia, although registered with the Government in 1993, has been unable to operate because the employers recognize the existing Zambia Union of Financial and Allied Workers. In 1993 the Ndola High Court ordered the Government to register the Secondary School Teachers Union of Zambia (SSTUZ). The Government continues to argue that the Zambia National Teachers Union (ZNUT) represents secondary school teachers and has delayed recognition of the new secondary school teachers union administratively. The SSTUZ sued the Government over its nonregistration, prompting the Government to register it in 1997. However, most teachers still belong to the ZNUT. ZNUT lost some bargaining power when some members switched to separate unions for primary and secondary school teachers; however, these unions experienced difficulty gaining attention from the Government. Unions reportedly have experienced increasing fragmentation due to a shrinking formal sector and 1993 changes in labor laws that have decreased unions' leverage. Only 11 percent of the eligible workforce was employed in the formal sector during the year.

All workers have the right to strike, except those engaged in essential services. In addition to the Zambia Defense Force, the judiciary, the police, the prison service, and the Intelligence Security Service, the ILRA defines as essential services power, medical, water, sewerage, fire fighting, and certain mining occupations essential to safety. It permits strikes only after all other legal recourse has been exhausted. The result is that there has not been a legal strike since 1993. The ILRA prohibits employers from retribution against employees engaged in legal union activities. Workers engaged in illegal strikes do not enjoy this protection.

In December 1999, 250 resident doctors stopped work, citing extremely poor working conditions and poor conditions of service. The Government initially suspended the striking doctors, but later decided to retire those who had not yet returned to work voluntarily. Over the course of several months, the majority decided to return to work or sought work outside the country.

By a majority vote of its members, a union may decide on affiliation with the ZCTU or with trade unions or organizations outside the country. The ZCTU is a member of the International Confederation of Free Trade Unions, and a Zambian citizen currently holds the presidency of that body. Labor leaders travel without restrictions to international conferences and to visit counterparts abroad.

b. The Right to Organize and Bargain Collectively

Employers and unions in each industry negotiate collective bargaining agreements through joint councils in which there is no government involvement. Civil servants and teachers, as public officials, negotiate directly with the Government. Collective disputes are referred first to conciliation. If conciliation fails to resolve the dispute, the parties may refer the case to the Industrial Relations Court, or, in the case of employees, vote to strike. In practice the industry joint councils function effectively as collective bargaining units.

The ILRA prohibits discrimination by employers against union members and organizers. An employee who believes that he has been penalized for union activities may, after exhausting any existing administrative channels for relief, file a complaint with the Industrial Relations Court. This court has the power to order appropriate redress for the aggrieved worker. The complainant may appeal a judgment of the Industrial Relations Court to the Supreme Court. In practice the Court often orders employers to reinstate workers found to have been victims of discrimination. This Court, like other courts, has inadequate resources to address all of the cases before it in a timely manner.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits slavery and involuntary servitude; however, it authorizes the Government to call upon citizens to perform labor in specific instances, for example, during national emergencies or disasters. Moreover, the Government can require citizens to perform labor that is associated with traditional civil or communal obligations, as when all members of a village are called upon to assist in preparing for a visit by a traditional leader or other dignitary.

Forced or bonded labor by children is not permitted, and in practice the labor authorities generally enforce the legal proscriptions when cases violating the law are brought to their attention (see Section 6.d.). However, there were reports that UNITA rebels abducted persons, particularly young persons, for forced labor in Angola (see Section 6.f.)

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment of children is 16 years. The Labor Commissioner effectively enforces this law in the industrial relations sector although, because of high adult unemployment, there is no demand for child labor in the formal sector. Child labor is most concentrated in the hotel and catering industries, construction, farming, transportation, prostitution, and household work. The law is not enforced for those who work in subsistence agriculture, domestic service, and informal sectors, where children under the age of 16 often are employed. In urban areas, children commonly engage in street vending. The ILO estimated that 564,000 children were in the work force during the year. Approximately 85 percent of those children are engaged in the worst forms of child labor, including street begging and prostitution. The Government has not ratified ILO Convention 182 on the worst forms of child labor; the Government had formulated but not approved an action plan by year's end. At present, acute family poverty levels and economic factors result in child labor. The problem has been compounded by the HIV/AIDs epidemic which has produced a growing number of orphans.

In May the Government established an interministerial working group, the National Steering Committee of the National Country Program on Child Labor, to coordinate efforts at addressing the root causes of child labor.

Forced or bonded labor by children is not permitted, and the authorities enforce legal proscriptions if violations are brought to their attention; however, while in general forced or bonded labor is not a problem, there were reports that UNITA rebels abducted young persons for labor in Angola (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work

The minimum wage for nonunionized workers is set at \$0.02 (70.30 kwacha) per hour. Based on a 48-hour workweek, the legal maximum for nonunionized workers, a worker earning the minimum wage would receive \$28 (90,000 kwacha) per month. The minimum wage covers nonunionized workers in categories such as general workers, cleaners, office orderlies, and watchmen. The minimum wage is insufficient to provide a worker and family with a decent standard of living, and most minimum wage earners supplement their incomes through second jobs, subsistence farming, or reliance on the extended family.

With respect to unionized workers, wage scales and maximum workweek limits are established through collective bargaining. In practice almost all unionized workers receive salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full-time employment is 40 hours and is, in practice, the normal workweek. The law requires 2 days of annual leave per month of service.

The law also regulates minimum health standards in industry, and the Department of Mines is responsible for enforcement. Factory safety is handled by the Inspector of Factories under the Minister of Labor, but staffing problems chronically limit enforcement effectiveness. There are no legislative provisions to protect a worker who refuses to work on grounds of inadequate safety.

f. Trafficking in Persons

The Constitution prohibits trafficking of children under the age of 18, but there are no other laws prohibiting trafficking in persons; however, trafficking in persons is not a significant problem in the country, although there have been some reports of trafficking. In 1999 a foreign citizen was arrested for allegedly trying to take four young women out of the country to work as prostitutes. The foreign citizen was charged, but acquitted. UNITA deserters have abducted citizens and forced them to accompany them back to Angola. Two such incidents were reported in January and February in Western Province. Upon return to Angola, UNITA rebels forced young men to herd cattle which were stolen in cross border raids, and forced young women into labor or prostitution.

[End.]